

1 **FOX, IMES, & CROSBY, LLC**

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7  
8 **UNITED STATES BANKRUPTCY COURT**  
9  
10 **DISTRICT OF NEVADA**

11 In re: } Case No. 23-14371-NMC  
12 Leo Harold Santoro, } Chapter: 13  
13 Debtor.  
14 \_\_\_\_\_  
15 Stephanie Santoro, et al., } Adv. Case No. 24-01004-NMC  
16 Plaintiff,  
17 vs. } Hearing Date: 08/08/2024  
18 Leo Harold Santoro, et al., } Hearing Time: 9:30 a.m.  
19 Defendant.  
20 \_\_\_\_\_  
21 **Debtor's Adversary Counsel's Motion to**  
22 **Withdraw as Counsel**

23 Comes Now, Troy S. Fox, of the law firm of Fox, Imes, & Crosby, LLC and  
24 petitions this Court to grant this Motion to Withdraw as Counsel. This motion is based  
25 upon the attached Memorandum of Points and Authorities, the pleadings and papers  
26 already on file with this Court, the attached Affidavit of Counsel, and any oral arguments  
27 the Court may accept at the time of hearing.

28 DATED this 28<sup>th</sup> day of June 2024.

29 **Fox, Imes, & Crosby, LLC**

30 \_\_\_\_\_  
31 /s/ Troy S. Fox  
32 Troy S. Fox  
33 Nevada Bar No. 11127  
34 Attorney For Debtor

1  
2                   **POINTS AND AUTHORITIES**  
3

4                   **I. THIS COURT HAS AUTHORITY TO GRANT AN ORDER ALLOWING**  
5                   **WITHDRAWAL BY ATTORNEY IF A CLIENT HAS NOT COOPERATED**  
6                   **WITH ATTORNEY.**

7                   LR 2014(c) regarding an attorney withdrawal references LR IA 11-6 of the rules of  
8 practice for the District of Nevada. LR IA 11-6 provides that:

9                   If an attorney seeks to withdraw after appearing in a case, the attorney  
10                  must file a motion or stipulation and serve it on the affected client and  
11                  opposing counsel.

12                   **II. FACTS**

13                  Mr. Santoro filed his bankruptcy case on October 5, 2023, initially as a Chapter 7  
14 case, but it was converted to a Chapter 13 Case on February 8, 2024. The Debtor was  
15 also served with an Adversary Complaint, which was filed on January 4, 2024.

16                  On or about February 20, 2024, Mr. Santoro retained Fox, Imes, & Crosby to  
17 represent him solely as Adversary Counsel, as an agreement between Mr. Santoro and  
18 his primary bankruptcy counsel could not be reached for the additional representation in  
19 the adversary matter.

20                  Fox, Imes, & Crosby filed a Motion to Dismiss, and a Reply to the Opposition to  
21 the Motion to Dismiss, which was granted in part, and denied in part. The Plaintiff was  
22 provided additional time to file an amended Complaint, which has been filed, and the  
23 Defendant was provided additional time to file an Answer to the Amended Complaint. The  
24 Answer to the Amended Complaint has been timely filed.

25                  However, the attorney-client relationship between Mr. Santoro and his Counsel  
26 has been breaking down. Without disclosing any confidential information or  
27 communications, Mr. Fox can represent to this Court that at this time, he no longer  
28 believes that he can zealously represent Mr. Santoro as he is required to do under the  
professional rules of conduct.

1 At this point, there is a status conference pending in this matter. However, as the  
2 answer has been filed, the case is essentially in its starting position. At this time, Mr.  
3 Santoro has time to make arrangements either with his primary counsel for  
4 representation, or to find new representation, or to represent himself moving forward in  
5 this matter. Counsel's intent to withdraw has been communicated by e-mail to Mr.  
6 Santoro, and this Motion will be served on the same by mail.

7 There are no other pending deadlines or hearing, beyond the status conference  
8 currently set for July 11, 2024. Assuming this Motion is not granted before that date,  
9 Counsel will cover the same and request the matter be continued.

10

11 **II. LEGAL ARGUMENT**

12 LR IA 11-6 provides that upon application, the Court may grant an attorney's  
13 request to withdraw as long as the attorney has provided notice to the client at the last  
14 known address and as long as such withdrawal will not cause and undue delay. The  
15 current status check is set for 7/11/24. There are no other pending hearings or matters in  
16 the Adversary Matter as of the time this motion is filed. Trial has not been set, nor has  
17 there been any agreement regarding discovery deadlines or other matters. Counsel's  
18 withdrawal at this point will only cause a minor delay in the proceedings, and will not  
19 require any hearings beyond the status check to be re-scheduled.

20

21 **III. CONCLUSION**

22 For the above stated reasons, Adversary Counsel for the Debtor requests this  
23 Court Grant its Motion to Withdraw as counsel.

24 DATED this 28<sup>th</sup> day of June 2024.

25 **Fox, Imes, & Crosby, LLC**

26  
27 /s/ Troy S. Fox  
Troy S. Fox  
Nevada Bar No. 11127  
28 Attorney For Debtor

# **PROPOSED ORDER**

## **FOX, IMES & CROSBY, LLC**

Troy S. Fox, Esq.  
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601 S. 10<sup>th</sup> St. Suite 202  
Las Vegas, NV 89101  
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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

n re:

Leo Harold Santoro,

**Debtor.**

Stephanie Santoro, et al.,

**Plaintiff,**

-eq

Leo Harold Santoro, et al.,

For more information about the study, please contact Dr. Michael J. Hwang at (319) 356-4530 or via email at [mhwang@uiowa.edu](mailto:mhwang@uiowa.edu).

**Defendant**

**Defendant**

Leo Harold Santoro, et al.,

Figure 1. A schematic diagram of the experimental setup for the measurement of the thermal conductivity of the samples.

Leo Harold Santoro, et al.,      }  
Defendant

**Defendant:** \_\_\_\_\_

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*Source: Author's calculations based on data from the 2010 U.S. Census. Note: The 2010 U.S. Census includes the District of Columbia.*

**ORDER ON MOTION TO WITHDRAW AS COUNSEL**

**ORDER ON MOTION TO WITHDRAW AS COUNSEL**

**The Motion to Withdraw as Counsel filed by Fox, Imes & Crosby, LLP**

**The Motion to Withdraw as Counsel, filed by Fox, Miles, & Crosby, LLP**

come before this Court at the above captioned date and time, the appearance

come before this Court at the above captioned date and time, the appearance

having been noted and no other parties appearing, the Court having reviewed

having been noted and no other parties appearing, the Court having reviewed

**The pleading and papers on file with the Court and oral arguments presented**

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**hearing, good cause appearing:**

## **ORDER ON MOTION TO WITHDRAW AS COUNSEL**

The Motion to Withdraw as Counsel, filed by Fox, Imes, & Crosby, LLC having come before this Court at the above captioned date and time, the appearance of Mr. Fox, having been noted and no other parties appearing, the Court having reviewed the motion, the pleading and papers on file with the Court and oral arguments presented at the hearing, good cause appearing:

1       The Court GRANTS the Motion to Withdraw as filed by counsel. Fox, Imes &  
2 Crosby are no longer representing the Debtor in the above captioned Adversary Matter.

3       This does not affect the Debtor's representation by the Ballsteadt Law Firm in the  
4 primary Chapter 13 Case.

5  
6       IT IS SO ORDERED

7  
8       Respectfully Submitted by:

9       **Fox, Imes, & Crosby, LLC**

10      /s/ Troy S. Fox

11      Troy S. Fox

12      Nevada Bar No. 11127

13      Former Attorney For Debtor

14      In accordance with LR 9021, counsel submitting this document certifies as follows:

15      \_\_\_\_ The court has waived the requirement set forth in LR 9021(b)(1).

16      \_\_\_\_ No party appeared at the hearing or filed an objection to the motion.

17      \_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the  
18 hearing, and each has approved or disapproved the order, or failed to respond, as  
19 indicated below:

20      \_\_\_\_ I certify that this is a case under chapter 7 or 13, that I have served a copy of this  
21 order with the motion pursuant to LR 9014(g), and that no party has objected to the form  
22 or content of the order.

23      /s/ Troy S. Fox

24      Troy S. Fox

25      Nevada Bar No. 11127

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